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"Well did you feel jealous...?" Control & Ideology in Police Interviews with Rape Complainants

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Abstract

The methods used by the UK Police to investigate complaints of rape have unsurprisingly come under much scrutiny in recent times, with a 2007 joint report on behalf of HM Crown Prosecution Service Inspectorate and HM Inspectorate of Constabulary concluding that there were many areas where improvements should be made. The research reported here forms part of a larger project which draws on various discourse analytical tools to identify the processes at work during police interviews with women reporting rape. Drawing on a corpus of video recorded police interviews with women reporting rape, this study applies a two pronged analysis to reveal the presence of these ideologies. Firstly, an analysis of the discourse markers 'well' and 'so' demonstrates the control exerted on the interaction by interviewing officers, as they attach importance to certain facts while omitting much of the information provided by the victim. Secondly, the interpretative repertoires relied upon by officers to 'make sense' of victim's accounts are subject to scrutiny.

As well as providing micro-level analyses which demonstrate processes of interactional control at the local level, the findings of these analyses can be shown to relate to a wider context – specifically prevailing ideologies about sexual violence in society as a whole.

Keywords: Police interviews, rape, discourse markers, interpretative repertoires

1. Background & Rationale

The number of recorded rapes of females has begun to steadily decrease over the last two years, with the total standing at 11,648 for the year ending March 2008 (Kershaw, Nicholas & Walker 2008). However, the figure continues to give cause for concern, not least because of estimated reporting rates as low as 18% (RASASC 2008). Furthermore, attrition, that is, the rate at which reported cases 'drop out' of the system before reaching trial, stands at 78%, 80% of which do so due to a decision by the police (Kelly, Lovett & Regan 2005). With the most recent figures available suggesting that only around 5% of those cases that *do* make it to court result in a conviction, it is little wonder that the institutional treatment of rape has re-established itself firmly at the top of the feminist academic agenda.

It has been demonstrated by a number of researchers that mythology, or 'a second reality, imposed by the dominant groups' (Wodak 1996: 39)

surrounding sexual violence provides a 'common-sense' resource which is relied upon to make sense of rape (Burt 1980; Edward & MacLeod 1999), and that acceptance of such myths is still very much widespread (Amnesty International UK 2005). It is therefore unsurprising that this ideology has been shown to be prevalent in a variety of social institutions, not least those whose ostensible function is to deliver justice to the victims of rape. Some have gone as far as to say that sexual violence is in fact condoned by the legal system, as reflected in the high attrition and low conviction rates: 'the state fails to intervene against sexual violence' (MacKinnon 1987 in Matoesian 1993:13). In focussing on the law as an institution that embodies patriarchal standards and values, Matoesian (1993) finds it useful to consider cases in which the legal system *does* intervene. Briefly summarised, he cites stranger rapes, the use of extrinsic force, the lack of an introduction of the victim's previous sexual history, virginity, and the absence of intoxicating substance use or other behaviour violating traditional female gender role behaviour as criteria that are likely to improve the chances of a conviction being secured. In effect, the greater the degree to which an attack conforms to the stereotypical rape, the more sympathy the victim can expect from the relevant institutions (see Estrich 1987).

These issues are further compounded at the investigative stage by the very nature of police culture itself – long observed to be overtly masculine, some have gone as far as to describe it as 'an almost pure form of hegemonic masculinity' (Fielding 1994: 47).

As recently as 2008, research has suggested that negative attitudes towards victims who do not conform to the stereotypical victim characteristics prevail among police officers, in particular those with lower levels of educational attainment (Page 2008). It has been suggested that an over-estimation of the scale of false allegations by both police officers and prosecutors feeds into a culture of scepticism, leading to poor communication and loss of confidence between complainants and the police (Kelly, Lovett & Regan 2005). As well as being a possible explanatory factor for the high attrition rate, this over-estimation has led to 22% of women who have reported a rape to the police to report that they were 'very dissatisfied' with the way the police handled the matter (Myhill & Allen 2002).

The methods used by the UK Police to investigate complaints of rape have unsurprisingly come under much scrutiny in recent times, with a 2007 joint report on behalf of HM Crown Prosecution Service Inspectorate and HM Inspectorate of Constabulary concluding that there were many areas where improvements should be made (HMPCSI/HMIC 2007). More specifically, the quality of investigative interviews with individuals who report rape has also been the subject of ongoing research conducted by forensic psychologists on behalf of the Serious Crime Analysis Section of the National Police Improvement Agency (Milne p.c.).

The research reported here forms part of a larger project which draws on various discourse analytical tools to identify the processes at work during police interviews with women reporting rape. As well as providing micro-level analyses which demonstrate processes of interactional control at the local level, the findings of these analyses can be shown to relate to a wider context – specifically prevailing ideologies about sexual violence in society as a whole.

2. Data

The six video recorded interviews were obtained from a UK police force in early 2008, and relate to rapes reported between February and November 2007. The recordings were digitised and uploaded to a secure PC before being transcribed with the assistance of Transana 2.21. A summary of the six cases appears in Table 1 below. All names have been changed.

Table 1: Summary of Transcribed Recordings

Name	Age	Relationship to attacker	Circumstances of Attack	Duration	No. of words	Sex of IO	Outcome
Polly	18	Stranger: Con	Met suspect and accompanied him to his address; no memory of attack.	48m 28s	7271	F	'No Crime'
Angela	32	Family: Cousin	Awoke in own home to discover suspect engaging in intercourse.	29m 56s	4897	F	Acquittal
Natalie	19	Stranger: Surprise	Attacked after leaving a nightclub.	53m 03s	8507	M	Undetected
Becky	29	Acquaintance: friend of partner	Awoke in own home to discover suspect engaging in intercourse (partner asleep in same bed).	47m 41s	8620	M	NFPA (CPS)
Ellen	28	Acquaintance: cousin/lodger of partner	Awoke in suspect's bed after sleepwalking.	57m 18s	8204	F	Suspect arrested & interviewed; released, lack of forensic evidence.
Emily	25	Stranger: Surprise	Attacked after leaving a nightclub.	57m 33s	9065	M	Undetected

Immediately after the Police and Criminal Evidence Act (PACE) of 1984, the emphasis in police interview training was very much on the interviewing of suspects – the assumption presumably being that communicating with a co-operative adult witness was relatively straightforward and did not warrant the use of any specialised techniques (training for interviewing children and vulnerable, i.e. mentally/physically impaired adults was provided on separate courses). Following the Association of Chief Police Officers (ACPO) guidelines in 2002 however, certain interviewees, including victims of sexual assault, are classified as 'significant witnesses', and should therefore have been interviewed by an officer trained in interviewing them as such. The extent to which this set of interviews follows the significant witness recommendations varies significantly. For the purposes of this particular study, two interviews were chosen: Polly and Angela. These interviews contrast not only in terms of the circumstances surrounding the attack, but also in terms of their quality – while Polly's interviewer displays all the signs of having been trained to the

correct level, incorporating mnemonics and adhering to the recommended structure, Angela's displays no such exposure to the training. The analysis that follows demonstrates in more concrete terms the distinctions between the 'good' and 'bad' interview.

2. Method

Van Dijk (2001) postulates that a worthwhile starting point for any piece of critical discourse research is an examination of both interactional control and content. With this in mind, a two-pronged approach is adopted in this study.

In terms of interactional control, the tool selected for the current study was the analysis of discourse markers (Schiffrin 1987). The analysis of discourse markers is important in revealing 'how speakers and hearers jointly integrate forms, meanings, and actions to make overall sense of what is said' (Schiffrin 1987:49). Such markers are used to establish connections between parts of talk, and to mark such things as evaluation, temporality and preference. As such, an analysis of their occurrence and function in the interviews enables a fuller picture of the ways in which both officers and interviewees orient towards preceding turns and the interaction as a whole. The two markers to be discussed here are '*well*' and '*so*'.

'Well'

Schiffrin (1987) explores some of the existing theories about the functions of *well*, beginning with Sacks, Schegloff & Jefferson's examination of *well* in both turn-initial and turn-closing positions. As well as giving a hearer an opportunity to 'reinstate an earlier topic, or to open another round of talk, prior to conversational closure' (Sacks, Schegloff & Jefferson 1973, in Schiffrin 1987: 102), *well* has also been viewed as a precursor to dispreferred responses, including insufficient answers to questions (Lakoff 1973, in Schiffrin 1987), disagreements (Pomerantz 1984), non-compliance and rejections (Owen 1983 in Schiffrin 1987). In the context of the current research, it is this particular function of *well* as a marker of dispreference, revealing officers' and interviewees' orientation to the immediately preceding turn, that is most appropriate to examine.

'So'

It has been claimed that *so* is a marker that is employed when hearers are being offered a turn at talk and/or an opportunity to change the topic (Schiffrin 1987: 225). However, as Johnson (2002) notes, Schiffrin and others have neglected to discuss *so* within the specialised context of question and answer sequences. In these contexts, Johnson observes two major functions of *so*-prefaced questions. With adult defendants, she presents evidence to suggest that *so* functions to label and evaluate prior utterances, often to narrow the focus on to specific evidential details and to direct the interviewee in to reformulations of earlier turns. With child witnesses, on the other hand, *so* is a means by which the discourse is supported and rearranged to form a coherent narrative (2002: 97). As such, as well as contributing to a controlling tone in the interaction, *so*-functions, in some environments, as an

essentially empowering device.

As far as more content-oriented analyses are concerned, use will be made of a tool from discursive psychology – that of Interpretative Repertoires (Wetherell & Potter 1988). A way of constructing versions of actions and phenomena, repertoires consist of a particular range of terms or grammatical constructions that guide interpretation. Often, claim Wetherell & Potter, these terms are ‘derived from one or more key metaphors and the presence of a repertoire will often be signalled by certain tropes or figures of speech’ (1988:173).

Research by Coates *et al.* (1994) into the language of sexual assault trial judgements revealed that the language used often created unexpected meanings or implications – they identified several themes, three of which will be discussed in relation to the current data.

Firstly, a recurrent theme was the *erotic-affectionate* characterization of sexual assault: the presence of vocabulary better suited to consensual sex than to an act of aggression/assault. Secondly, parts of the discourse indicated a clear *distinction between sexual assault and violence* – just as sexual assault is brought closer to consensual sex, so it is removed further from the act of violence it undeniably is. Lastly for our purposes, the theme of *appropriate resistance*. At one time in the United States there existed a legislated “utmost resistance” standard for convicting of rape – that is, a woman had to demonstrate that she resisted to the utmost of her capabilities if she wanted to claim that she did not consent. Despite no longer being official, it has been demonstrated that the standard is still fully functioning subversively (see Ehrlich 2001). Again, this is a theme identifiable in various discourses around sexual violence.

3. Analysis & Discussion

3.1 Interactional control: Discourse markers

‘Well’

As explained earlier, ‘well’ can function both as an opportunity for the speaker to open another round of talk or revisit earlier topics, or as a precursor to dispreferred responses. In the corpus of interviews, we see ‘well’ performing both functions. Extract 1, below, shows ‘well’ being used in a facilitative manner, as a device for revisiting earlier parts of the interaction:

Extract 1.

- I: (.5) right okay (.5) right **well** y- you've given me quite a lot of information there (1) •hh and I appreciate it's not the easiest thing for you to talk about (.) but I need to break it down and just (.) ask you to elaborate on each s:ection. •hh
- V: okay.

[Polly, p.3]

In Extract 1, we can see that not only is the shift marked with ‘well’, but Polly is given an opportunity to ascend to the shift, which she does with ‘okay’. A further function of ‘well’ in this extract is the presentation of positive information ‘you’ve given me quite a lot of information’, as compared to the potentially problematic second part of the utterance ‘but I need to break it down...’. As such, the ‘well’-prefaced contribution mitigates any threat that may be posed by the suggestion that she needs to elaborate further.

But ‘well’ is not always such a co-operative device. In Extract 2, below, the officer’s use of ‘well’ demonstrates a challenge to the appropriateness of the response:

Extract 2.

V: [...] and he was also chatting a girl up, (.) and he took her phone number as well.

I: (1) and how did you feel about that?

V: hh well he's married and I wasn't really (.5) I didn't think (.) it was nice at all •hh

→ I: **well** did you feel jealous or anything [like]

V: [no]

[Angela, p.5]

The ‘well’ proffered by the officer in Extract 2 makes latent the fact that the interviewer is not acknowledging, or taking up, the content of the victim’s prior turn. She makes it clear, in no uncertain terms, that disapproval of the suspect’s behaviour is not coherent with the requested information of how the victim felt. To demonstrate this we can perform a simple substitution test, replacing the victim’s penultimate turn with ‘what do you mean?’ In these circumstances, the interviewer’s response would be wholly appropriate, indicating that, for all the use it is, the victim’s contribution may as well have been completely lacking in content altogether.

As well as the local implications of this for the interaction, it is quite clear that this particular exchange is quite revealing of the officer’s and/or the institution’s perception of what is relevant. By at least partially rejecting as inappropriate the victim’s evaluation of the behaviour of the suspect as ‘not very nice’, the officer lets slip that that is not deemed to be relevant, but that what IS deemed to be relevant is whether or not the complainant was attracted to him. This point will be revisited later during discussion of interpretative repertoires.

‘So’

Once again, there are examples of ‘so’ in the corpus functioning in a variety of ways, as outlined earlier. In Extract 3, below, Polly’s interviewer’s first ‘so’ functions to elicit confirmation of some information already provided by Polly earlier in the interaction. The second ‘so’ is eliciting specific information to ‘fill in the blank’ of the narrative already offered by the interviewee.

Extract 3.

- I: °yeah° okay •hh **so** you went there about (.5) quarter to seven (.) did you [say?]
- V: [yeah] because Lucy had got her bus (.) and I went straight there.
- I: okay (.) **so** who did you go there with?
- V: (.5) I went alone.

[Polly, p.3]

Examples of this function of ‘so’ are numerous in the data, and they have an essentially supportive function, piecing the discourse together to form a coherent narrative. ‘So’ in Angela’s interview, however, all too often performs a rather less co-operative function, as shown in Extract 4.

Extract 4.

- I: [mmm] (1.5) how were you feelin: in The Drongo how were you: feeling i- cos you said that you've ((health complaint)) and you'd already had a (.) a lot to drink [ear-]
- V: [I] felt quite drunk but I think when you get outside it hits you more y'know like wh- when you start travelling a taxi I can't (.) travel when I've had (.) too much to drink. (.) •shih
- I: (1) **so** how would you describe how you actually felt while you were in there?
- V: (.5) quite drunk.

[Angela, p.5]

In Extract 4, the officer’s so-prefaced question is a successful attempt to elicit a reformulation from the complainant after her first response ‘felt quite drunk but I think...’ is evaluated as too vague, or longwinded, or dispreferred in some way. This is further backed up by the use of the evaluative adverb *actually*, with emphatic stress. Again, much as the officer chose to ignore details about the victim’s disapproval of the suspect in Extract 2, here we see a failure to pick up on topics introduced by Angela, in this case the taxi ride’s effect on her physical state. Such failure to acknowledge victim-initiated topics is typical of this interaction as a whole. A further example of a ‘so’ prefaced question from Angela’s interviewing officer appears in Extract 5.

Extract 5.

- I: (2.5) right (.5) wh- when you said you'd come in and you'd ran straight up the stairs to get into bed or on to the bed because you felt ill •hh but you said that Gary: was on the settee how did you know that he'd sat on the settee?
- V: (3) cos Steve had come up (.) for pillows for him (.)

I knew he was on the settee.

→ I: •hh **so** did you actually see him on the [settee]

V: [no]

I: right=

[Angela, p.9]

In Extract 5, while there is a possibility that the officer's 'so' functions merely to fill in a gap in Angela's narrative, there is evidence to suggest that in fact it is a challenge to suitability of Angela's prior turn. Firstly, the use of 'but' in the interviewer's first turn marks incongruence between the elements either side of it. Thus, running 'straight up the stairs to get into bed...' renders having a basis for the knowledge that Gary was on the settee impossible. The use of 'so...' and the emphatic stress on 'see' in the interviewer's second turn is therefore interpretable as an indication that Steve coming up for pillows is not grounds enough to make such an assertion. As such, the question reads as overtly challenging, almost belonging to the repertoire of a cross examining lawyer rather than a supposedly impartial gatherer of facts.

3.2 Content: Interpretative repertoires

3.2.1 Erotic-affectionate characterisation

Much as Coates *et al.* (1994) found language in their trial judgements that was more suited to romantic relationships than to acts of sexual aggression – 'fondling' and 'caressing', for example – there were many points during Angela's interview where parallels were drawn between her experiences and 'normal' romantic and sexual practices. Extract 6 demonstrates one such point:

Extract 6.

I: auntie (.) e:rm when you lived there how would you say your relationship with w- e:rm was with him then?

V: good (.) it was like brother and sister (.) •shih

I: and how would you descri::be a brother and sister relationship?

V: (1.5) like clo:se (.) get on really well

→ I: (8) **had he eve::r made any (.) sort of (.) moves towa:rds you sexually [ever]**

V: [never]

[Angela, p.4]

The verb 'to make a move' is arguably associated with consensual romantic relations, or at least with a process of negotiation. As such, the use of the term contributes to a rendering of the aggression as less threatening than perhaps

the victim's account suggests – perhaps more a case of misunderstanding than anything else. A further example of the officer associating sexual aggression with affection appears in Extract 7:

Extract 7.

- I: [...] (.) between half eleven and when you got the taxi home
- (1) did he(.5) was he affectionate towards you or did he::
- V: he was (.) cuddling me on the dancefloor and like pulling me 'nd (.) grabbing my hand and but I just thought it was like (2) family way [...]

[Angela, p.13]

Purely by putting these questions to Angela, the officer is revealing that the relationship between victim and perpetrator is deemed to be relevant in terms of the likelihood that rape took place.

3.2.2 Distinction between sexual assault and violence

While there are examples of Angela's interviewer drawing clear distinctions between sexual aggression on the one hand and physical violence on the other, the most compelling example comes from a third interview which has not been discussed up to this point. This is reproduced below as Extract 8. Having just described waking to discover the perpetrator engaged in intercourse with her, Becky is confronted with the following:

Extract 8.

- I: you said you were saying don't hurt me don't let him hurt me **what made you think he was gonna hurt you?**
- V:(.) cos he was having sex when I didn't want him to (10) and that is hurting me
- I:(.) yeah (1) I just wanted to get the the way you were thinking I mean obviously that is [hurting you]
- V: [is hurting] me and [I wouldn't]=
- I:[I was]
- V:=let him do that to me
- I:I was just exploring **whether there'd been any physical threat** [or]
- V: [no]

[Becky, p.20]

With the officer's question 'what made you think he was gonna hurt you?' he reveals an assumption that unwanted intercourse in itself does not amount to hurting someone. An obvious polarity is established between rape and

physical violence. For her part, Becky resists quite effectively, re-stating the fact that the sex was unwanted. Clearly believing this to be sufficient, with the officer clearly still of the opinion that it is not, a sizeable pause elapses before she makes her point even more explicitly 'that is hurting me'. After some stumbling the officer re-words his enquiry 'just trying to establish whether there'd been any physical threat...', still making the distinction between sexual and physical violence, to which Becky finally acquiesces – 'no'.

3.2.3 Appropriate resistance

The final of Coates *et al.*'s themes identified in this corpus was that of appropriate resistance. Attempts are made by officers throughout the corpus to establish what action the victim took to let the perpetrators know that sex was not wanted, or to prevent it from happening. The assumption appears to be that dissent is required if consent is not being offered, as opposed to assent being required if consent is forthcoming. A good example comes from Angela's interview and appears below. Angela has just been describing waking to find the perpetrator on top of her.

Extract 8.

- I: (.) how were you laid?
- V: laid (.) flat I couldn't move (.) I was (.5) that drunk - I couldn't lift (.) my body up I just felt,
- I: (3) could you have sat up at all? (.5)at that point?
- V: no.
- I: could you have got out of bed?
- V: (.5) no.

[Angela, p.10]

By asking the question 'could you have sat up?' the officer indirectly suggests that this would have been the preferred course of action. Contrary to logical progression the officer then moves from the general 'could you move' to the more specific 'could you get out of bed'. Getting out of bed obviously requires more mobility than sitting up, so the second question here is logically overruled by the answer already given to the first.

4. Conclusions

From the brief analyses conducted here it is clear that tools for analysing processes of interactional control, and those for classifying the content of utterances in these contexts, can prove highly revealing in terms of the underlying ideology of the interviewing officers, and of the police institution as a whole. It therefore follows that the greater the extent of the perceptibility of these assumptions, the more negative an experience the process will be for complainants. That the assumptions *are* perceived by the complainants is

revealed by their responses. This may decrease evidential value, lead to the case being dropped by the CPS, or, if not, resulting in an acquittal at trial.

In terms of real-world applications, at the current time officers who are trained to conduct significant witness interviews are trained by senior officers and by forensic psychologists, whose focus tends to be on enhancing recall, maximising the quality and quantity of information obtained, and making the experience as comfortable as possible for the interviewee. It is hoped that this study, and the wider research project of which it is a part, will go some way towards providing a wholly discourse analytical component to the training. The aim is to make detectives aware of the effects of their choices, while simultaneously raising their awareness of rape mythology. It is hoped this could be a step in the right direction – both in terms of increasing the investigative and evidential value of victims' evidence, and improving the experiences of women who make the decision to report.

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